



1 2. The Court gave the Plaintiffs 30 days from the date of the order to file an  
 2 amended complaint on the remaining equal protection “class of one” claim,  
 3 and indicated that the Court would defer ruling on that claim until after the  
 4 Ninth Circuit issued a decision in *Richards v. Prieto (Yolo County)*, Case  
 5 No.: 11-16255 and *Peruta v. County of San Diego*, Case No.: 10-56971.  
 6 3. The parties believe that client and judicial resources would best be preserved  
 7 if the Court stayed this present action until those decisions are published.  
 8 4. The parties also agree that Plaintiffs’ Counsel will bear the burden of filing a  
 9 notice with this Court within 5 court-days of the Ninth Circuit issuing its  
 10 decision.  
 11 5. The parties agree that Plaintiffs would then have 30 calendar days from  
 12 filing said notice to file their amended complaint on the “class of one” equal  
 13 protection claim.  
 14 6. The parties also agree that the Court should reset the Joint Case  
 15 Management Conference to some date after the notice is filed.  
 16 Respectfully Submitted on January 7, 2013,

17  
 18 */s/*  
 19 Melissa Kiniyalocots,  
 20 Counsel for Defendants

17  
 18 */s/*  
 19 Donald Kilmer  
 20 Counsel for Plaintiffs

21 **ATTESTATION FOR COMPLIANCE WITH GENERAL ORDER 45 AND  
 LOCAL RULE VIII.B.**

22 I, Donald Kilmer, declare under penalty of perjury under the laws of California  
 23 and the United States that I have in my possession e-mail correspondence from  
 24 Melissa Kiniyalocots that the content of this document is acceptable to all persons  
 25 required to sign the document. I declare that this document was signed in San  
 26 Jose, CA on January 7, 2013.

27 */s/*  
 28 Donald Kilmer for Plaintiffs

27 *////*

28 *////*

## ORDER

2       Upon consideration of the parties stipulation and a review of the record, this  
3 action is stayed and all current court dates are vacated. Plaintiffs are directed to  
4 file notice with this Court within 5 court-days of the Ninth Circuit issuing its  
5 disposition in *Richards v. Prieto (Yolo County)*, Case No.: 11-16255 and *Peruta v.*  
6 *County of San Diego*, Case No.: 10-56971.

7 The Plaintiffs shall also submit a proposed order resetting the Case  
8 Management Conference on the Court's calendar along with the notice required  
9 above.

10       Upon filing of said notice, Plaintiffs have leave to amend their class-of-one  
11 equal protection claim within 30 calendar days.

12 | Date:

---

EDWARD M. CHEN  
United States District Judge